

## **REMARKS**

### **Status of the claims**

Upon entry of the present amendment, claims 3-9 and 12-24 will be pending in the application. Claims 1-2 and 10-11 have been cancelled herein. Claims 3-9, 12-15 and 19 have been amended herein. Claims 23-24 have been newly added. The amendments to claims 3-9, 12-15, and 19 changed the dependency of the claims and/or clarified the present invention. Support for new claims 23 and 24 can be found in claims 1 and 2 as originally filed. No new matter has been added.

### **Priority**

Applicants acknowledge the Examiner's statement that a certified English translation of the French language priority document must be submitted in order to perfect the priority. Applicants have filed herewith a verified English translation of FR 02/04363 having a filing date of April 8, 2002. The foreign priority document supports the invention as presently claimed.

### **Issues under 35 U.S.C. § 112, second paragraph**

In the outstanding Office Action, the Examiner rejected claims 2-8, 15 and 19 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 2 has been cancelled herein, which renders the rejection as to this claim moot.

Specifically, the Examiner asserts that claims 3 and 19 are unclear and that the phrase "and/or" should be removed from claims 2-8 and 15. Applicants have amended the claims to remove the phrase "and/or" and have clarified claims 3 and 19. Thus, Applicants respectfully submit that the rejection has been overcome and should be removed.

### **Issues under 35 U.S.C. § 102(b)**

1) Claims 1, 2, 12 and 14-21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Krupnick '658 (WO 99/42658). Claims 1 and 2 have been cancelled herein, which renders the rejection as to these claims moot. Applicants respectfully assert that Krupnick '658 does not disclose each and every aspect of, at least, independent claim 23, from which claims 12 and 14-21 depend.

Krupnick '658 discloses an antimicrobial paper currency product, which comprises an antimicrobial compound in an amount effective to act as an antimicrobial agent (claim 1), i.e., effective to kill or inhibit the growth of pathogenic microorganisms (page 3, lines 13-14). However, Krupnick '658 only discloses the use of one single biocidal compound. As its only example of a suitable antimicrobial compound, Krupnick '658 describes the use of polyhexamethylene biguanide (PHMB) alone (pages 4-7). Krupnick '658 fails to teach the use of two different biocidal compounds to achieve an antimicrobial effect specifically against both fungi and bacteria.

In stark contrast, the present invention provides at least two different biocidal agents to effect both fungi and bacteria. Specifically, independent claim 23 recites:

An information carrier, intended to be handled relatively frequently, containing *at least two biocidal agents, at least a first biocidal agent being selected from the group consisting of bacteriostatic and bactericidal agents, and at least a second biocidal agent being selected from the group consisting of fungistatic and fungicidal agents* (emphasis added).

Thus, the present invention is different from Krupnick '658 in at least this way. Applicants therefore respectfully submit that at least claim 23, and those dependent thereon, clearly distinguish over Krupnick '658. Accordingly, independent claim 23 as well as its dependent claims is therefore novel and non-obvious over Krupnick '658.

2) Claim 13 is rejected under 35 U.S.C. § 102(b) as being anticipated by Lindemann '128 (US 5,177,128). Applicants respectfully assert that Lindemann '128 does not disclose each and every aspect of claim 13.

The Examiner has interpreted the limitation "based on plastic materials" to mean that the paper is coated or otherwise treated with a polymer. Applicants respectfully submit that the Examiner is incorrect in the interpretation of the present invention as recited in claim 13.

The expression "based on plastic materials" should be understood as referring to a plastic based substrate. In the field of information carriers, some substrates, such as banknote

substrates, are made of plastic materials. For example, EP 0935535, published on August 18, 1999, or AU 488652, published on April 1, 1976, describe plastic banknotes. Further, plastic banknotes are used, for example, in Australia.

In stark contrast, Lindemann '128 describes a paper coating composition, which may comprise a polymer composition (abstract). Lindemann '128 fails to teach the use of a plastic-based information carrier.

Thus, the present invention is different from Lindemann '128 in at least this way. Applicants therefore respectfully submit that claim 13 clearly distinguishes over Lindemann '128. Accordingly, claim 13 is therefore novel and non-obvious over Lindemann '128.

**Issues under 35 U.S.C. § 103(a)**

1) Claims 3-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Krupnick '658 in view of McEntee ("Industrial Antimicrobial Agents," in Kirk-Othmer Encyclopedia of Chemical Technology).

2) Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Krupnick '658 in view of Dreikorn ("Agricultural Fungicides," in Kirk-Othmer Encyclopedia of Chemical Technology).

3) Claims 9-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Krupnick '658 in view of (a) ASTM and (b) AFNOR. Claim 10-11 have been cancelled herein, which renders the rejection with respect to these claims moot.

Applicants respectfully traverse, and reconsideration and withdrawal of these rejections are respectfully requested.

As discussed above, Krupnick '658 does not disclose each and every aspect of claim 23, from which claims 3-9 ultimately depend. Applicants respectfully submit that McEntee, Dreikorn, ASTM, and AFNOR do not overcome the deficiencies of this reference.

Specifically, McEntee discloses many chemical compounds having antimicrobial effects. However, McEntee fails to teach the use of an antimicrobial compound with another biocidal agent. Combining the currency paper taught by Krupnick '658 with the compounds taught by McEntee would not have allowed one of ordinary skill in the art to obtain the claimed information carrier.

Furthermore, Dreikorn discloses a list of compounds having fungicidal effects. Dreikorn discloses compounds used for agriculture. Agriculture is a technical field far from the field of the present invention, which refers to an "information carrier, intended to be handled relatively frequently." For example, a carrier that will be handled by people every day does not have the same toxicity requirements as cultures treated by fungicidal agents. Therefore, Applicants respectfully submit that Dreikorn is not an analogous art and cannot be relied upon for the outstanding rejection (see MPEP 2141.01(a)). One of ordinary skill in the art would not have looked to such a reference to find fungicidal compounds and so would not have combined Krupnick '658 with Dreikorn.

Additionally, Dreikorn does not teach the use of a fungicidal compound with another biocidal agent.

To establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (See MPEP 2143.03). As discussed above, the combination of references fails to teach or suggest all the claim limitations of independent claim 23, and those dependent thereon. Therefore, a *prima facie* case of obviousness has not been established, and withdrawal of the instant rejection is respectfully requested.

Applicants therefore, respectfully submit that claims 3-9 clearly distinguish over the cited prior art.

As the above amendments and remarks address and overcome the rejections, withdrawal thereof and allowance of the claims are respectfully requested.

#### **Newly Proposed Claims 23-24**

Applicants have newly proposed claims 23-24 in an effort to more clearly define the scope of protection owed to Applicants. Applicants respectfully submit that claims 23-24 are allowable for the reasons given above. As such, Applicants respectfully assert that claims 23-24 clearly define over the prior art of record, and an early action to this effect is earnestly solicited.

**CONCLUSION**


In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Craig A. McRobbie, Reg. No. 42,874, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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Attachment: English Language Translation